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LETTER DATED 22 SEPTEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to attach herewith an article published in The New York Times of 21 September 1998 in which the paper stated that the decision of the United States of America to strike the factory in Sudan was based on surmise (see annex).

The paper reported that some top American officials now believe that the reasons for bombing the factory were not convincing.

I should be grateful if you could circulate the present letter and its annex as a document of the Security Council.

(Signed) Elfatih ERWA
Permanent Representative

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Annex

[Original: English]

Article published in The New York Times of 21 September 1998

DECISION TO STRIKE FACTORY IN SUDAN BASED ON SURMISE

INFERRED FROM EVIDENCE

With U.S. Spies Gone Home, Reliable Information About the Plant Was Scarce

By TIM WEINER and JAMES RISEN

WASHINGTON, Sept. 20 — Shortly after investigators linked Osama bin Laden, the Saudi exile, to the bombings of two American embassies in East Africa, six of President Clinton's most senior advisers convened in the White House situation room to plot a counterattack with cruise missiles.

Few national security issues in Mr. Clinton's presidency were handled with greater secrecy or by a smaller group of people. The Administration was determined to avoid leaks, and that meant limiting deliberations to the "small group," the President's innermost circle.

The security precautions worked. The strikes against Mr. bin Laden's camps in Afghanistan and a pharmaceutical factory in the Sudan on Aug. 20 took the world by surprise.

But within days of the attack, some of the Administration's explanations for destroying the factory in the Sudan proved inaccurate. Many people inside and outside the American Government began to ask whether questionable intelligence had prompted the United States to blow up the wrong building.

Senior officials now say their case for attacking the factory relied on inference as well as evidence that it produced chemical weapons for Mr. bin Laden's use. And a reconstruction of how the "small group" and the President picked the bombing targets, based on interviews with participants and others at high levels in the national security apparatus, offers new details of how an act of war was approved on the basis of shards of evidence gleaned from telephone intercepts, spies and scientific analysis.

Officials disclosed that the decision to attack came after several years of bitter disagreement within the Administration about how to handle the Sudan after the United States placed it on its short list of countries that sponsor terrorism.

In January 1996, the C.I.A. formally withdrew more than 100 of its intelligence reports on the Sudan after concluding that their source was a fabricator.

The reports, many of which dealt with terrorist threats against Americans in the Sudan, were withdrawn within weeks of decisions to pull American diplomats and spies out of the Sudan because of the dangerous political conditions there.

The absence of American personnel has made assembling a clear picture of the Sudan all the more difficult. In their absence, the United States has had to rely increasingly on exiles, opposition groups and governments of nearby countries for its information.

Among the evidence that convinced the "small group" and President Clinton to attack Al Shifa pharmaceutical plant in the Sudan's capital, Khartoum, included a report from a "sensitive source" who said Mr. bin Laden had asked Sudanese officials to help him obtain chemical weapons that could be used against American installations.

"Bin Laden directly involved himself with the Sudanese Government, trying to get it to test poisonous gases in case they could be be tried against U.S. troops in Saudi Arabia," a senior intelligence official said.

But American officials do not know for certain that this plan was carried out, or that Al Shifa had been directly involved.

The Central Intelligence Agency had been looking at Al Shifa for 18 months. The agency had obtained a soil sample from outside the plant, revealing the presence of Empta, a chemical used to make VX nerve gas. There were more circumstantial pieces of evidence linking Mr. bin Laden to that factory, the agency is said to have believed.

The Director of Central Intelligence, George J. Tenet, told the five other members of the group that Mr. bin Laden had asked Sudanese leaders about three years ago to help him make poison gas with which to attack American troops in Saudi Arabia.

Berger and Albright Were Convinced

"We believed he was deep in a hunt for weapons of mass destruction, including chemical weapons," one senior Administration official at that meeting said. "Was it safe to ignore that evidence? After very careful deliberation, it was decided, on balance, that it would be irresponsible of us not to attack the plant."

Samuel R. Berger, the national security adviser, and Secretary of State Madeline K. Albright were convinced that the Sudan could be making weapons for Mr. bin Laden.

Ms. Albright called the Sudan "a viper's nest of terrorists" in 1996, not long after unconfirmed intelligence reports that terrorists in the Sudan were plotting to kill Mr. Berger's predecessor, Anthony Lake. Mr. Berger said in an interview that the evidence at the meeting was "extremely convincing."

Two days later, on Aug. 12, the "small group" met with President Clinton in the Oval Office. Gen. Hugh Shelton, Chairman of the Joint Chiefs of Staff, gave him a list of targets in the Sudan. The best one, all agreed, was Al Shifa. The President approved an attack on the plant two days later.

But now some State Department and C.I.A. officials argue that the Government cannot justify its actions.

"As an American citizen, I am not convinced of the evidence," said one Administration official who says the United States may have made a mistake.

Hours after they launched cruise missiles at the factory on Aug. 20, senior national security advisers described Al Shifa as a secret chemical weapons factory financed by Mr. bin Laden. But a month after the attack, those same officials concede that they had no evidence directly linking Mr. bin Laden to the factory at the time the President ordered the strike.

Nor are they certain whether their soil sample proves that Empta, the suspected precursor chemical for VX, was made at Al Shifa or was just stored or shipped through there.

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No Piece of Paper, But Strong Inference

Senior Administration officials concede that they made inaccurate statements about the plant on Aug. 20 and did a poor job of publicly stating their case against the factory.

"We were not accurate," a senior Administration official said. "That was a mistake."

But officials argue that their actions have been criticized because some of their most sensitive evidence has been kept secret. So they are now making some of that evidence public.

"I don't have a piece of paper that says, in a wiring diagram," that Al Shifa is connected to the Sudanese military-industrial complex, a senior intelligence official said. But "evidence plus inference" creates a strong case that the plant is connected, through the complex, to Mr. bin Laden, he said.

Intelligence officials said they had found financial transactions between Mr. bin Laden and Sudan's Government-run Military Industrial Corporation, which they say was the organization overseeing chemical weapons development.

Even though the intelligence officials did not know who owned the plant at the time of the attack, they now say its nominal owner, Salih Idris, is a front man for Mr. bin Laden. But a lawyer for Mr. Idris, an adviser to Saudi Arabia's largest bank, says Mr. Idris has never met Mr. bin Laden.

The C.I.A. has been told that Osman Sulayman, the general manager of the plant, was deported from Saudi Arabia around 1995 for his suspected ties to Mr. bin Laden.

Another senior official said: "Al Shifa was to one degree or another involved in chemical weapons production. I can't tell you whether the VX precursor was produced or stored there. But the plant is tied to Sudan's military-industrial complex, which is tied to bin Laden."

Other Administration officials still doubt their own Government's explanations. One said: "The decision to target Al Shifa continues a tradition of operating on inadequate intelligence about Sudan." That pattern of policies shaped by questionable intelligence reports about Sudan, these skeptical officials say, is at least three years old.

Unreliable Informants Warned of Terror

In late 1995 the C.I.A. realized that a foreign agent who had warned repeatedly of startling terrorist threats against American diplomats, spies and their children in Khartoum was fabricating information.

They withdrew his reports, but the climate of fear and mistrust created by the reports bolstered the case for withdrawing personnel from the American Embassy in Khartoum, officials said.

Some officials say that the decision was also driven, in part, by a second C.I.A. source, who warned in 1995 that Anthony Lake, then the national security adviser, would be assassinated by terrorists based in the Sudan. Mr. Lake moved into Blair House, a Federal mansion across the street from the White House, and then to a second undisclosed location, after the threat was reported.

"The threat to Tony Lake had a chilling effect on the National Security Council," an Administration official said. But the source's reports were never verified or corroborated by any other evidence, officials say. He disappeared from view around the time the embassy's personnel were withdrawn.

The embassy remained closed, even though, as a senior intelligence official put it, "the threat wasn't there" as of 1996.

Battle in Washington Has Raged for Years

Senior Administration officials argue that the flawed intelligence reports had no impact on their thinking. They said that increasing threats in 1995, including incidents in which shots were fired at American officials, had driven the decision.

But they conceded that shutting the embassy and the C.I.A.'s station in the Sudan eroded their ability to gather intelligence about the country and about Al Shifa.

The argument over the closing of the embassy and the attack on the Sudan are part of a battle that has been raging inside the Government for years.

On one side of this battle are officials who want change the Sudan by punishing and isolating it. Others would change the Sudan's conduct by cajoling and engaging its leaders. The isolators have won.

In 1991 the Sudanese began to allow any Muslim into the country, without a visa, in a show of Islamic solidarity. In the years since, hundreds of suspected terrorists from around the world, including Mr. bin Laden, used the Sudan as a safe haven. In 1993 the State Department placed the Sudan on its list of states sponsoring terrorism.

The isolators had evidence to support the case for closing the embassy and imposing sanctions against the Sudan. In March 1995, two of Mr. bin Laden's operatives shadowed an embassy official in Khartoum. In June, Egyptian radicals based in the Sudan tried to assassinate the Egyptian President, Hosni Mubarak. United States intelligence officials say they believe that the man who was then chief of the Sudan's security service was involved.

The Sudan never moved to arrest the suspects. A few months later, the C.I.A. reported indications that Iranian operatives in the Sudan were conspiring to attack United States officials, although nothing came of that threat.

Susan Rice, now the Assistant Secretary of State for African Affairs and a leading advocate of isolating the Sudan, said in an interview that she had become convinced that talking to the Sudanese was increasingly fruitless.

Some in Government Saw Cause for Hope

Others in the Government say there was reason for hope. In August 1994, the Sudan had turned over the elusive international terrorist who called himself Carlos. The State Department called that "a significant development."

When the United States protested to the Sudan about surveillance of embassy personnel, Sudanese officials said they had found out that it had been done by Mr. bin Laden's men and expelled them. In September 1995, the Sudan stopped letting Arab travelers enter the country without visas.

And on March 8, 1996, a month after the embassy was closed, C.I.A. and State Department officers met secretly with a Sudanese official in Washington. They asked the Sudanese to turn over the names of more than 200 bin Laden operatives allowed into the Sudan since 1994, information on Iranian and Arab radicals in the country and the whereabouts of the three Egyptians suspected of trying to kill Mr. Mubarak.

In May 1996, at the request of the United States and Saudi Arabia, the Sudan expelled Mr. bin Laden, who moved to Afghanistan. Sudanese officials also say they sent 100 of his operatives and their dependents to Afghanistan as well.

But United States officials were convinced that the Sudanese were insincere. "With the exception of the expulsion of Osama bin Laden, which was not followed by any steps to get rid of his financial network, they have not done anything serious," Ms. Rice said.

Dialogue Faltered By the End of 1996

By the end of 1996, the dialogue between the United States and the Sudan was falling apart, officials said.

In February 1997, the Sudanese President, Omar Hassan al-Bashir, sent President Clinton a personal letter. It offered, among other things, to allow United States intelligence, law-enforcement and counterterrorism personnel to enter the Sudan, and to go anywhere and see anything, to help stamp out terrorism.

The United States never replied to that letter. The isolators derided it as a meaningless "charm offensive" by the Sudan, in Ms. Rice's words.

A senior Sudanese official made a similar offer directly to the F.B.I. six months ago: send a counterterrorism team to the Sudan, and we will help in any way we can, it said. The F.B.I. wrote back in June, declining the opportunity.

Sometime in recent months, the C.I.A. became certain that it had discovered Empta at Al Shifa. On Aug. 14, President Clinton approved the plant's destruction.